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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re Jonathan T., a Person Coming Under the Juvenile Court Law.	B258103
LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Plaintiff, v. D.P., Defendant and Respondent, J.G. et al., Objectors and Appellants.	(Los Angeles County Super. Ct. No. CK84133)

APPEAL from an order of the Superior Court of Los Angeles County, Timothy R. Saito, Judge. Reversed.

Pamela Rae Tripp and Ernesto Paz Rey for Appellants.

Christopher Blake, under appointment by the Court of Appeal, for Respondent D.P.

M. Elizabeth Handy, under appointment by the Court of Appeal, for Respondent Jonathan T.

Margaret Coyne and Janet G. Sherwood as Amicus Curiae on behalf of Appellants.

Appellants J. and K.G.[1] are the de facto parents (see *In re B.G.* (1974) 11 Cal.3d 679 (*B.G.*)) of Jonathan T., born in June 2013, having raised him since he was six days old. Appellants have told the Los Angeles County Department of Children and Family Services (DCFS) they want to adopt Jonathan, who has been extremely medically fragile since birth. The appeal challenges an order issued by the dependency court in August 2014 changing Jonathan's placement from appellants' home to the home of his maternal great-grandmother and step great-grandfather in Arizona. They have since moved to Florida. We stayed the new placement order pending resolution of appellants' appeal. We now reverse the new placement order.

FACTS

D.P. (Mother) and E.A. (Father) are Jonathan's parents. Father is not a party to the current appeal. In July 2013, DCFS filed a petition on Jonathan's behalf pursuant to Welfare and Institutions Code section 300 alleging that he — then a newborn — was at risk of harm due to Mother's substance abuse history.[2] Mother was a minor herself subject to the control of the dependency courts. The dependency court detained Jonathan, removed him from Mother's custody, and placed him in foster care in appellants' home. Meanwhile, Ms. I.R. (hereafter Ms. R.) — who is Mother's maternal grandmother and Jonathan's maternal great-grandmother — advised DCFS even before formal proceedings commenced that she was willing to provide care for Jonathan. Ms. R. lived in Arizona at that time.

In August 2013, the dependency court sustained the petition after Mother waived her rights to a trial and submitted on the basis of the various reports submitted by DCFS. The court ordered DCFS to provide reunification services and granted Mother monitored visits. Ms. R. appeared at the adjudication hearing. In February 2014, the dependency court ordered DCFS to initiate a home study pursuant to the Interstate Compact on the

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[1] Hereafter, "appellants."

[2] An initial allegation that Mother and Jonathan tested positive for drugs at his birth was subsequently dismissed when Mother agreed to admit the substance abuse allegation.

Placement of Children (ICPC) on Ms. R.'s home, where she lived with her husband, Jose. R., who is Jonathan' step great-grandfather.

At a six-month review hearing in early April 2014, the dependency court granted Mother an additional six months of reunification services. Further, the court affirmed its earlier order regarding the ICPC report regarding possible placement of Jonathan with his maternal great-grandmother in Arizona.

In April 2014, roughly a week after the six-month review hearing, appellants filed a request for de facto parent status. At a subsequent hearing in May 2014, the dependency court granted appellants' request for de facto parent status.

In July 2014, DCFS submitted a report in which it advised the dependency court that the Arizona authorities had approved the ICPC for the home of Ms. R. and Jose R., Jonathan's maternal great-grandmother and step-great-grandfather. Initially, DCFS recommended placing Jonathan with his relatives. On July 2, 2014, appellants filed a written notice that they opposed removing Jonathan from their custody and requesting a hearing on the matter and, on July 8, 2014, appellants filed a formal brief opposing the placement of Jonathan with the maternal great-grandmother. Jonathan's court-appointed attorney filed a brief concurring in DCFS's recommendation to place Jonathan with his maternal great-grandmother. Mother's court-appointed attorney joined the brief filed by Jonathan's counsel. Appellants filed a reply to the brief.

At a hearing on July 21, 2014, the dependency court asked DCFS to file further reports concerning Jonathan's medical issues. In early August 2014, DCFS filed a report reversing its earlier support for placing Jonathan with the maternal great-grandmother. DCFS recommended termination of Mother's reunification services and that Jonathan remained placed with appellants. In turn, Jonathan's counsel filed a response renewing the position that Jonathan should be placed with his relatives. The court stated the following reasons for its new placement decision:

"The Court: [The] court has reviewed the evidence in this case, heard arguments by counsel, has reviewed the statutory requirements in this case.

"I'd note in this case that the foster parents have taken care of Jonathan very well in this case. However, in this case the court does note that the child has special needs. The court is noting the best interests of the child in this case, has noted that the great-grandparents were available approximately a year ago, appeared to be extremely motivated to care for Jonathan and his special needs.

"Looking at the factors enumerated in 361.3, the court does take into consideration the nature and duration of the child but the child's age as well. The child is 1 in this case. And although there may be some degree of a bond with the foster parents at this time, I don't believe that any displacement or transfer of the care of Jonathan would harm Jonathan or that he would suffer any harm if there were to be a move in this case.

"With regards to the phase, we are in reunification phase at this time. Court is taking into consideration the parents' – or the mother's position as well as to Jonathan.

"I don't see anything with regard to the great-grandparents that would affect their moral character in this case. I don't believe they have any criminal history. As noted in the reports, there aren't any issues that bear upon negative impact that would affect Jonathan. And, mostly, with regards to the best interests of the child, I believe there are some benefits that Jonathan be with a relative.

"But, more importantly, the relatives in this case, the great-grandparents, have been available. They have come to court. They have taken the requisite training. They have appeared motivated.

"And I don't believe that just by the fact that there's a history of the family being in foster care, that that would necessarily rule out these individuals as being an appropriate caretaker in this case. They have underwent the proper training. They traveled to get further training. And, as noted, the great-grandmother has specialized training to address any special needs that Jonathan may have. That she is a registered assistant nurse in this case.

"Therefore, based on those factors as well as the best interests of the child, the court is going to allow placement with the great-grandparents at this time."

Appellants filed a timely notice of appeal.

On August 11, 2014, our court issued a temporary stay of the implementation of the dependency court's new placement order issued on August 5, 2014. In September and October 2014, we issued orders granting appellants' petition for writ of supersedeas and staying the dependency court's new placement order transferring Jonathan to his maternal great-grandmother's home in Arizona.

In December 2014, the dependency court issued orders terminating Mother's reunification services.[3] Further, the court set a permanent plan selection hearing for March 2014. We understand that the permanent plan hearing has been regularly continued pending resolution of the current appeal.

We now turn to appellants' arguments that the dependency court's new placement and transfer order issued August 5, 2014 must be reversed.

[3] We hereby grant appellants' motion for judicial notice.

DISCUSSION

I. Standing to Appeal

Preliminarily, we must address the respondents' contention that appellants do not have standing to appeal the dependency court's change-of-placement order transferring Jonathan to live with Ms. R. in Arizona. We find that appellants have sufficient interests at stake in the dependency court proceedings to confer standing to prosecute the current appeal. (See *In re Vincent M.* (2008) 161 Cal.App.4th 943, 952-953, opn. by J. Kriegler (*Vincent M.*).)

Code of Civil Procedure section 902 confers standing to appeal on "any party aggrieved" by an appealable judgment or order. A party is considered "aggrieved" by a judgment or order when his or her recognized legal rights or interests are "injuriously affected" by the judgment or order. (*Vincent M., supra,* 161 Cal.App.4th at p. 952, citing *In re Lauren P.* (1996) 44 Cal.App.4th 763, 768.)

The concept of de facto parents was judicially recognized in the Supreme Court's decision in *B.G., supra,* 11 Cal.3d 679. As stated in *B.G.*: "[A] person who assumes the role of parent, raising the child in his [or her] own home, may in time acquire an interest in the 'companionship, care, custody and management' of that child. The interest of the 'de facto parent' is a substantial one . . . deserving of legal protection." (*B.G., supra,* 11 Cal.3d at pp. 692-693, fns. omitted.) Later, the Supreme Court clarified: "The de facto parenthood doctrine simply recognizes that persons who have provided a child with daily parental concern, affection, and care over substantial time may develop legitimate interests and perspectives, and may also present a custodial alternative, which should not be ignored in a juvenile dependency proceedings. The standing accorded de facto parents [in our state's courts] has no basis independent of these concerns." (*In re Kieshia E.* (1993) 6 Cal.4th 68, 77-78.)

We read the cases to support the proposition that a de facto parent's standing to appeal a particular dependency court ruling is dependent on the nature of the relationship between the de facto parent and the child, and the nature of the ruling being challenged on appeal. Thus, the issue of standing is largely an ad hoc evaluation involving an examination of whether the de facto parent has sufficient interests at stake to confer standing to challenge a particular order. Here, we find standing to appeal is conferred for much the same reasons as were discussed in *Vincent M.*, *supra*, 161 Cal.App.4th at pages 952-953. Here, appellants' interests are injuriously affected by the dependency court's change of placement ruling. They have provided a home for Jonathan since he was six days old, have provided care and comfort to Jonathan, and have expressed an interest in adoption. They are the only parents Jonathan has ever known. They have a substantial and legitimate interest in any proceedings involving Jonathan, particularly in proceedings involving Jonathan's placement.

II. The Merits of the Placement Decision

Appellants contend the dependency court abused its judicial discretion in issuing its new placement order transferring Jonathan to live with Ms. R. in Arizona. Jonathan and Mother argue to the contrary. DCFS advised our court that, in light of its position taken in the lower court to support Jonathan's placement with appellants, it would not be submitting arguments on appeal other than to note that it was aligned with the appellants below. We agree with appellants that the dependency court's new placement ruling must be reversed.

The controlling statutory language involved in this case is found in Welfare and Institutions Code section 361.3, subdivisions (a) and (c)(2). The relevant language reads as follows:

> "(a) In any case in which a child is removed from the physical custody of his or her parents pursuant to Section 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative . . . . In determining whether

> placement with a relative is appropriate, the county social worker and court shall consider [a non-exclusive list of factors] . . . .
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> "(2) 'Relative' means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words 'great,' 'great-great,' or 'grand, or the spouse of any of these persons even if the marriage was terminated by death or dissolution. However, only the following relatives shall be given preferential consideration for the placement of the child: an adult who is a grandparent, aunt, uncle, or sibling."

Applied in harmony, the statutory language means that a child's placement with a non-relative is proper when placement is not available with a parent, or a relative given preferential consideration, or another relative who is willing and able to provide proper care for the child. (See, e.g., *In re Michael E.* (2013) 213 Cal.App.4th 670, 677.) The statutory scheme embodies the Legislature's determination that children derive benefits from being with their relatives. At the same time, however, the statutory scheme does not guarantee a child's placement with a relative (*In re Joseph T.* (2008) 163 Cal.App.4th 787, 798); the dependency court must always be guided by the overriding determination as to whether such a relative placement is appropriate, taking into account the suitability of the relative, resulting in a placement decision that is in the best interests of the child. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 321.) A dependency court's decision on the issue of a relative placement is reviewed under the abuse of discretion standard. (*In re Sabrina H.* (2007) 149 Cal.App.4th 1403, 1420.) The test for abuse of discretion is whether the trial court """"exceeded the bounds of reason. When two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court."""" (*In re Stephanie M., supra*, 7 Cal.4th at pp. 318-319.)

We find the dependency court exceeded the bounds of reason in placing Jonathan with Ms. R. in Arizona. Although Ms. R is a relative, as a great grandmother, she is not entitled to preference in placement. Without any statutory entitlement to preference in placement, we find nothing in the record to support the decision to remove Jonathan from his de facto parents and place him in the home of a relative who is almost a total stranger, who has never cared for him or visited him during even one of his many hospitalizations.

The dependency court's stated reasons for placing Jonathan with Ms. R. show the court's decision focused too strongly on resolving the parties' dispute over whether Ms. R.'s home was a suitable placement in light of the facts her own daughter and granddaughter were in foster care, and not on Jonathan's best interests, particularly his medical and emotional needs. The court's stated reasons for placing Jonathan with Ms. R. in Arizona did not address the fact that Ms. R. had virtually no relationship with Jonathan, or consider the impact on Jonathan of being uprooted from his home and placed with strangers who had no firsthand experience in dealing with his extensive medical needs. This is critical in Jonathan's case because of the special circumstances presented by his case.

The record shows that, from at least as early as the six-month review hearings, reports were showing Jonathan's special circumstances. A caregiver information form dated February 14, 2014, described Jonathan's medical problems as follows:

> "Jonathan has had consistent health concerns since birth. He has had over 25 doctor's appointments in addition to 3 hospital visits. First hospital visit he was treated for Gonorrhea and Chlamydia at 2 weeks old. At 4 months old he started to develop respiratory issues to be diagnosed with RAD (Radioactive Airway Disease). At 5 1/2 months he was hospitalized for 5 days due to the human metapneumonia virus which was further exacerbated by RAD diagnosis. Jonathan needs breathing treatments 2-3 times daily

> even when healthy and every 4-6 hours when lung concerns are present."

In a status review report for a hearing held two weeks later, on February 27, 2014, DCFS reported that Jonathan was then seven months old, and that he was emotionally attached to appellants and their children. Appellants wanted Jonathan to remain with them "permanently through adoption should reunification fail." Appellants indicated that they maintained a good relationship with Mother, but were concerned about her ability to care for a child with significant health issues. Jonathan had been in and out of urgent care multiple times, and at one visit, was hospitalized for a number of days with concerns over his breathing that required him to use a breathing machine and inhaler. DCFS observed: "It is questionable if [Mother] is able to properly care for the needs of an infant especially one with medical needs that require multiple medical visits, breathing monitoring and urgent care visits and hospitalizations." DCFS described Jonathan as a "medically fragile child," with a diagnosis of "Reactive Airway Disease." Even when healthy, Jonathan required a breathing machine twice daily. With complications, Jonathan required treatment every four to six hours.

Further, the social worker noted that appellants provided a "developmentally stimulating environment," and were "working with his developmental needs to gain weight, gain strengths in his legs and arms." Jonathan was developing within a normal range for his age. He was happy, smiled, and tracked those who held him.

In reports filed for hearings in April 2014, DCFS attached updated medical reports authored by Jonathan's physician. Appellants still had to take Jonathan to the doctor for various respiratory issues including wheezing and bronchiolitis. Jonathan's doctor recognized the extraordinary efforts of his de facto parents by saying: "Praise for continued improvement and excellent care."

In the papers filed in late April 2014 requesting de facto parent status, appellants provided declarations stating that they both had flexible work schedules, and that one or the other was almost always with Jonathan. On the rare occasion where neither of them was home, K.G.'s mother would care for Jonathan. Appellants had biological twin daughters who were three and one-half years old, and Jonathan was bonded with them. Jonathan had significant medical problems, which required numerous visits to doctors and hospital stays to address his respiratory problems. Appellants wanted to have an open adoption, to allow post-adoptive contact between Jonathan and Mother and her relatives.

In reports for hearings in July 2014, DCFS provided information from the foster care agency overseeing Jonathan's placement in appellants' home. Jonathan's foster family agency (FFA) report that Jonathan suffered from bronchiolitis, MRSA cellulitis (a skin infection), human metapneumovirus, pneumonia, and Reactive Airway Disease. Appellants had been diligent in ensuring all of his medical needs were met. A letter from Jonathan's physician stated that his "necessary treatments demand excellent compliance and understanding from his family." Additionally, the FFA report stated that Jonathan had fully adjusted to appellants' home: "Jonathan shares secure attachments to all members of the foster family, including his foster grandparents, who are also consistent figures in his life . . . his face lights up when he sees his foster sisters and foster parents."

In contrast to the evidence summarized above, the focus of the dependency court was on the evidence of Ms. R.'s suitability as a caregiver generally, and not on Jonathan individually, i.e., on his special medical needs and emotional well-being. The court did not focus on evidence showing that there was no relationship and, thus, no true understanding of the extent of Jonathan's needs. For example, one of DCFS's final reports prior to the new placement decision noted: "During [the] 13 month period [of Jonathan's dependency proceeding] the maternal grandparents have visited maybe three times although they have been offered more time. It is reported that when out for court [hearings] they do not [have more than] two to three hours to visit as they have to get back home." Even Jonathan's appointed counsel on appeal, who, as noted above, favors

placement with Ms. R., very forthrightly acknowledged that appellants have fulfilled all of Jonathan's day-to-day, medical and emotional needs.

A major consideration in determining a child's best interest is the goal of assuring stability and continuity. (*In re Stephanie M., supra*, 7 Cal.4th at p. 317.) For this reason, the potential disruption caused by changing a current placement is a relevant concern. (*In re R.T.* (2015) 232 Cal.App.4th 1284, 1299.) The dependency system's primary responsibility is to address Jonathan's best interests. (*In re Stephanie M., supra*, 7 Cal.4th at p. 321.) The court abused its discretion by removing Jonathan from his home with caregivers who have cared for him and his special needs essentially from the day he was born, in order to place him with relatives who had spent only about an hour and a half with him during his entire life, declining invitations from the de facto parents to visit Jonathan in their home because they "had to get back [to Arizona]." Accordingly, we reverse the dependency court's new placement decision.

DISPOSITION

The dependency court's dependency order of August 5, 2014 is reversed.

BIGELOW, P.J.

I concur:

GRIMES, J.

Flier, J., Dissenting

I respectfully dissent. I conclude the juvenile court did not abuse its discretion when it placed Jonathan in the home of his relatives who sought custody of him before dependency proceedings formally began. I would affirm the juvenile court's placement order.

As the majority correctly acknowledges, this appeal is governed by the abuse of discretion standard of review. (Maj. opn. *ante*, at p. 8, citing *In re Sabrina H.* (2007) 149 Cal.App.4th 1403, 1420.) The abuse of discretion standard of review prohibits this court from substituting "'"its decision for that of the trial court."'" (*In re Stephanie M.* (1994) 7 Cal.4th 295, 319; see *In re Sabrina H.*, at p. 1420.) Instead, the reviewing court must "'consider all the evidence, draw all reasonable inferences, and resolve all evidentiary conflicts, in a light most favorable to the trial court's ruling.'" (*In re Robert L.* (1993) 21 Cal.App.4th 1057, 1067, superseded by statute on another ground, as stated in *Cesar V. v. Superior Court* (2001) 91 Cal.App.4th 1023, 1032.)

The standard of review in this case is dispositive and cannot be reconciled with the majority's ultimate conclusion that the juvenile court "focused too strongly on resolving the parties' dispute over whether Ms. R.'s home was a suitable placement . . . and not on Jonathan's best interests particularly his medical and emotional needs." (Maj. opn. *ante*, at pp. 9 & 11 [majority concluding that juvenile court failed to consider Jonathan's "special medical needs and emotional well-being"].) In reaching this conclusion, the majority substitutes its opinion for that of the juvenile court, ignores the evidence supporting the juvenile court's determination, and draws all inferences against the juvenile court's order. As I shall explain, once all of the evidence is considered, the juvenile court's conclusion that Jonathan should be placed in the home of his great-grandmother (Mrs. R.) and stepgreat-grandfather (Mr. R.) is amply supported.

The Juvenile Court Did Not Abuse Its Discretion When It Placed Jonathan with the R.'s.

Jonathan suffers from multiple medical conditions and needs substantial care. (See maj. opn. *ante*, at pp. 9-10.) Although the majority emphasizes the undisputed evidence that appellants ensured Jonathan received excellent medical care (see maj. opn. *ante*, at pp. 10-11), the question on appeal is whether the juvenile court abused its discretion in concluding the R.'s would ensure Jonathan also received excellent medical care. The undisputed evidence demonstrated that they were qualified and eager to provide such care. Mr. R. did not work and planned to care for Jonathan full time. Mrs. R. worked as a nurse's assistant since 1987 and was trained to deal with Jonathan's illnesses. Mrs. R.'s supervisor praised her work and described her as "tak[ing] excellent care of her patients and exercis[ing] infection control measures with knowledge and commitment." Mr. R. attended training in both Arizona and Los Angeles to learn more about Jonathan's conditions and how to assist him. Mrs. R. also attended the training in Los Angeles. Thus, when all of the evidence is considered (as the standard of review requires), the record amply supported the conclusion that the R.'s understood Jonathan's medical needs and would appropriately care for him. The Los Angeles County Department of Children and Family Services (DCFS) also reached this conclusion when it evaluated the evidence and determined the R.'s "are willing and able to care for their [great-]grandchild Jonathan . . . providing him a safe home with relatives that will ensure his medical, physical and emotional needs will be met."

The record also supported the conclusion that the R.'s would provide for Jonathan's emotional well-being. Although Jonathan had lived with his foster parents for a year when the juvenile court issued its placement order and had bonded with them, the R.'s had always expressed an interest in caring for him. They attended court hearings in Los Angeles despite having to drive from Arizona. The R.'s had taken care of other foster children and were licensed in Florida as foster parents. They had training on parenting and discipline. They wanted to adopt Jonathan and keep him in their family

and Jonathan's counsel vigorously advocated for his familial placement.[1] Additionally, the record contains no evidence that severing Jonathan's bond with his caretakers would result in serious or long-term emotional damage to Jonathan. (Cf. *In re Jasmon O.* (1994) 8 Cal.4th 398, 409, 416 [evidence that child suffered separation anxiety and depression when separated from foster parents].)

Although the majority faults the R.'s for failing to visit Jonathan more, it ignores the evidence that Mrs. R. had to return for work and that the R.'s had difficulty scheduling visits with the foster parents. Mrs. R. reported: "We try to see Jonathan every time we go to the court hearings, but his foster mother never has the time to meet with us so that we can see him."[2] The court made no finding that the R.'s declined visits that were offered to them, and under the appropriate standard of review, this court is required to interpret the evidence in the light favorable to the juvenile court order. The juvenile court recognized that DCFS believed the R.'s did not visit Jonathan enough but nevertheless concluded "that all the other factors taken in totality still weighs heavily on this court's decision to place [Jonathan] with the maternal great-grandparents."[3]

The majority faults the juvenile court for explaining why the R.'s "home was a suitable placement in light of the facts her own daughter and granddaughter were in foster care," instead of focusing only on Jonathan's medical and emotional needs. (Maj. opn. *ante*, at p. 9.) But the majority fails to recognize the juvenile court was appropriately

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[1] Mother also sought Jonathan's placement with the R.'s. Her counsel argued "[t]here are four generations of this family that are still in contact with each other. And there's a concern that if Jonathan is not placed with the maternal great-grandparents, that he would be cut off from the rest of his biological family and his mother."

[2] Foster mother represented that "if called to testify" she would testify that Mrs. R.'s assertion "is completely false." Foster mother also would have testified that Mrs. R. declined visitation "outside of the courthouse because she has to get back to work." Foster mother was not called to testify, and the juvenile court made no finding that the R.'s were able to and chose not to visit Jonathan.

[3] DCFS reported that the R.'s visited three times.

responding to the de facto parents' arguments.[4] (Maj. opn. *ante*, at p. 9.) When the proceedings are considered in their entirety, it is clear that the court was well aware of Jonathan's medical conditions, which appellants and DCFS extensively documented and are described at pages 9-10 of the majority opinion. The court continued the hearing on Jonathan's placement "to get an update . . . as to the child's medical status and the condition of the child and the ability of the child to be able to travel based on the current condition." The court began its remarks noting that Jonathan has "special needs" and that the R.'s were "extremely motivated to care for Jonathan and his special needs." The court noted that the R.'s traveled "to get further training" and that Mrs. R. has specialized training as a nurse's assistant.

Nor did the court ignore the bond between Jonathan and his caregivers as it stated in providing its reasons for its placement "although there may be some degree of a bond with the foster parents at this time, I don't believe that any displacement or transfer of the care of Jonathan would harm Jonathan or that he would suffer any harm if there were to be a move in this case." No one testified Jonathan would suffer harm if removed from appellants' care. Nor was there any evidence that the R.'s would be unable to provide Jonathan with a stimulating home. To the contrary, they had an approved home study, positive references, and had served as foster parents for other children. The evaluator "recommended that the home of [Mr. and Mrs. R.] be approved for the placement of Jonathan . . . ." (Boldface omitted.) Just as Jonathan developed a strong bond with appellants, he was likely to develop a strong bond with the R.'s.

Finally, citing *In re Stephanie M., supra,* 7 Cal.4th at page 317, the majority concludes that "[a] major consideration in determining a child's best interest is the goal of assuring stability and continuity." (Maj. opn. *ante*, at p. 12.) Assuming that remaining

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[4] The de facto parents argued that Mrs. R. did not have "good moral character" because her daughter had been involved in a dependency proceeding. Mrs. R. explained that in 1990 she requested her daughter be removed from her care and that she was returned to her care after six years. DCFS confirmed that Mrs. R. requested the removal of her daughter because she was unable to control her daughter, and her daughter needed a structured placement following a traumatic event.

with the de facto parents provided Jonathan with stability and continuity, the court did not abuse its discretion in determining that in this case preserving Jonathan's familial bonds prevailed over stability and continuity. Moreover, during the reunification period, the parent's interest in care, custody, and companionship are paramount.[5] (*In re Stephanie M., supra*, at p. 317.) Relative placements are more likely to facilitate family reunification "because relative caregivers are more likely to favor the goal of reunification and less likely than nonrelative caregivers to compete with the parents for permanent placement of the child." (*In re Joseph T.* (2008) 163 Cal.App.4th 787, 797.) Here, the R.'s volunteered not only to care for Jonathan but also to care for mother.

In sum, the juvenile court did not abuse its discretion in ordering Jonathan be placed with the R.'s, his great-grandparents. Although the majority has shown evidence that may also support a different conclusion, the standard of review requires that """[w]hen two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court."""" (*In re Stephanie M., supra*, 7 Cal.4th at p. 319.) Evidence which the majority marshals demonstrating that appellants also would provide a stable, safe home for Jonathan does not demonstrate the juvenile court abused its discretion in placing Jonathan with his great-grandparents. It shows only that two inferences were available from the evidence—both the R.'s and appellants would provide Jonathan a stable, safe home. The majority opinion fails to even mention the evidence supporting the juvenile court's placement order, instead summarizing only the evidence in support of placing Jonathan

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[5] This court reviews the correctness of the order at the time of its rendition based on the information available to the juvenile court at that time. (*In re Zeth S.* (2003) 31 Cal.4th 396, 405.) At the relevant time, mother was receiving reunification services and Jonathan was about one year old. If circumstances have changed that bear on Jonathan's best interest since the juvenile court issued its order, that is appropriately considered by the juvenile court. (*In re R.T.* (2015) 232 Cal.App.4th 1284, 1308.)

with appellants. Applying the correct standard of review, the juvenile court's placement order must be affirmed.[6]

FLIER, J.

[6] I agree with the majority that appellants who are de facto parents have standing to contest the placement order. I also agree with the majority's implicit conclusion that the appeal is not moot, a subject upon which this court requested supplemental briefing.